APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/498,698	02/07/2000	Reid Lee	5150-40800	9195

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EXAMINER
HAQ, NAEEM U

ART UNIT	PAPER NUMBER
3625	

DATE MAILED: 09/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No. ●	Applicant(s) ✕
Office Action Summary	09/498,698 ●	LEE, REID
	Examiner	Art Unit
	Naeem Haq	3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

    A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
    THE MAILING DATE OF THIS COMMUNICATION.
    - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
      after SIX (6) MONTHS from the mailing date of this communication.
    - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
    - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
    - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
    - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
      earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _03 July 2003_ .

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _89-134_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _89-134_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _03 July 2003_ is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____ .

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
          application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _10_ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Response to Amendment

This Office Action is in response to the Applicant's amendment, paper number 9, filed on July 3, 2003. Claims 1-88 have been canceled. New claims 89-134 have been entered and will be considered for examination.

Drawings

Figures 1 and 5 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance. Figure 1 shows nothing more than a client computer connected to a server via the Internet. Figure 5 shows a measurement system. However, the Examiner notes that this figure appears to be the same as Figures 1 and 2 of US Patent 5,710,727. Appropriate action is required.

Claim Objections

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims

are presented, they must be numbered consecutively beginning with the number next

following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 87-132 have been renumbered 89-134.

Claims 94 and 116 recite the limitation "the purchase product" in line 2. There is

insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

Claims 89-98, 100-103, 106, 108-121, 123-126, 129-131, 133, and 134 are

rejected under 35 U.S.C. 103(a) as being unpatentable over Henson (US 6,167,383)

in view of Motomiya et al (US 6,083,267) and further in view of Risk (US Patent

5,673,434).

Referring to claims 89-92, 97, 98, 100-103, 106, 108-114, 119, 120, 121, 123-

126, and 129-134, Henson teaches a method and system for enabling a user to

configure a computer system in an e-commerce system, wherein the e-commerce

system includes a client system coupled through a network to an electronic commerce

server, the method and system comprising:

- receiving a request from a user of the client system to configure the computer

    system, wherein the product includes one or more customizable components

    (column 4, lines 36-52), wherein at least one of the customizable components is

    a measurement device (Figure 3A and 4). The Examiner notes that Henson

allows a user to configure a speaker which is inherently a measurement device

(transducer) since it converts electrical energy into acoustic energy.

- providing customizable component options of the customizable components to a

  client system for display after receiving said request (Figures 3A, 3B, 4, and 5;

  column 6, lines 18-43). The Examiner notes that once a user clicks on the

  selection arrow (Figure 4, item "82") a menu opens up which provides a display

  of the customizable component options of the customizable components.

- receiving customizable component selections for at least one of the one or more

  customizable components of the computer system in response to user input,

  wherein the customizable component selections applied to the computer system

  specify a configured computer system (Figures 3A, 3B, 4, and 5; column 6, lines

  18-43).

Henson does not teach that the computer system is a measurement system. However

the Examiner notes that a computer system is an art recognized equivalent for a

measurement system. To support this point, the Examiner cites the references Mitchell

et al (US Patent 5,710,727) and IEEE Spectrum. Mitchell teaches that virtual

instruments (i.e. computers) have replaced stand-alone hardware instruments (i.e.

oscilloscopes, pressure sensors, etc.) (column 1, line 30 – column 2, line 11). IEEE

Spectrum teaches that a virtual instrument has the look and feel of physical instrument

and that the software becomes the instrument (page 56, column 2). Therefore it would

have been obvious to one of ordinary skill in the art, at the time the invention was made,

to use Henson's system and method to configure a measurement system. One of

ordinary skill in the art would have been motivated to do so in order to obtain

performance efficiencies as taught by Mitchell. Henson also does not teach providing

an image of the configured system to the client system for display, wherein the image of

the configured system visually depicts the customizable component selections of the

user. However, Motomiya teaches displaying an image of the customized product to

the client system wherein the image of the customized product visually depicts the

customizable component selections of the user at their respective locations on the

image of the customized product (column 5, lines 41-67; column 6, lines 1-35; Figure

6A, item 63). Therefore it would have been obvious to one of ordinary skill in the art, at

the time the invention was made, to incorporate the teachings of Motomiya into the

method and system of Henson. One of ordinary skill in the art would have been

motivated to do so in order to provide the customer of Henson's system and method

with a visual display of the custom configured product. Motomiya also teaches

providing customizable component selection images corresponding to the customizable

component selections of the user (Figure 6A, item "62"), visually depicting a subset of

the customizable component selection images at their respective locations on the image

of the configured product (Figure 6B), and displaying a subset of the customizable

component selection images in the image of the configured product (Figure 6B).

Therefore it would have been obvious to one of ordinary skill in the art, at the time the

invention was made, to incorporate the teachings of Motomiya into the method and

system of Henson. One of ordinary skill in the art would have been motivated to do so

in order to provide the customer with a more natural and easier-to-use design interface.

Referring to claims 93 and 115, Henson and Motomiya do not teach providing

text corresponding to the customizable component selections of the user, or that the

text is visually depicted proximate to respective locations of the customizable

components comprised in the image of the configured product. However, Risk teaches

these limitations (Figure 2, column 1, lines 22-29). Therefore it would have been

obvious to one of ordinary skill in the art, at the time the invention was made, to

incorporate the teachings of Risk into the method and system of Henson and Motomiya.

One of ordinary skill in the art would have been motivated to do so in order to allow a

user to personalize the product, as taught by Risk

Referring to claims 94 and 116, Motomiya teaches that the image of the

configured product appears substantially like the product (Figures 6A and 6B).

Therefore it would have been obvious to one of ordinary skill in the art, at the time the

invention was made, to incorporate the teachings of Motomiya into the method and

system of Henson. One of ordinary skill in the art would have been motivated to do so

in order to provide the user with an image of the actual configured product.

Referring to claims 95 and 117, Motomiya teaches that the image of the

configured product is viewable by the user (Figure 6B). Therefore it would have been

obvious to one of ordinary skill in the art, at the time the invention was made, to

incorporate this feature into the method and system of Henson. One of ordinary skill in

the art would have been motivated to do so in order to allow a user to see the

configured product. Henson and Motomiya do not teach that the configured product is

used by the user to evaluate and confirm the customizable component selections.

However, IEEE Spectrum teaches that LabVIEW allows a user to create a virtual

instrument that has functional icons which contain instrument variables, measurement

commands, and output designations (page 56, column 2). Therefore it would have

been obvious to one of ordinary skill in the art, at the time the invention was made, to

incorporate the teachings of IEEE Spectrum into the system and method of Henson and

Motomiya. One of ordinary skill in the art would have been motivated to do so in order

to allow a user to interact with the configured product.

Referring to claims 96 and 118, Motomiya teaches receiving one or more new

customizable component selections for at least one of the one or more customizable

components of the configured product after said providing the image of the configured

product to the client system, wherein the new customizable component selections

applied to the configured product specify a new product, and providing an image of the

new configured product, wherein the image of the new configured product visually

depicts the new customizable component selections of the user (Figures 5A and 5B).

Therefore it would have been obvious to one of ordinary skill in the art, at the time the

invention was made, to incorporate these features into the prior art. One of ordinary

skill in the art would have been motivated to do so in order to allow a user to see the

product as it was being configured.

·Claims 89-134 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Henson (US 6,167,383) in view of Barad et al (US 6,206,705 B1) and further in

view of Risk (US Patent 5,673,434) and IEEE Spectrum.

Referring to claims 89-92, 97, 98, 100-103, 106, 108-114, 119, 120, 121, 123-

126, and 129-134, Henson teaches a method and system for enabling a user to

configure a computer system in an e-commerce system, wherein the e-commerce

system includes a client system coupled through a network to an electronic commerce

server, the method and system comprising:

- receiving a request from a user of the client system to configure the computer

  system, wherein the product includes one or more customizable components

  (column 4, lines 36-52), wherein at least one of the customizable components is

  a measurement device (Figure 3A and 4). The Examiner notes that Henson

  allows a user to configure a speaker which is inherently a measurement device

  (transducer) since it converts electrical energy into acoustic energy.

- providing customizable component options of the customizable components to a

  client system for display after receiving said request (Figures 3A, 3B, 4, and 5;

  column 6, lines 18-43). The Examiner notes that once a user clicks on the

  selection arrow (Figure 4, item "82") a menu opens up which provides a display

  of the customizable component options of the customizable components.

- receiving customizable component selections for at least one of the one or more

  customizable components of the computer system in response to user input,

  wherein the customizable component selections applied to the computer system

specify a configured computer system (Figures 3A, 3B, 4, and 5; column 6, lines

18-43).

Henson does not teach that the computer system is a measurement system. However

the Examiner notes that a computer system is an art recognized equivalent for a

measurement system. To support this point, the Examiner cites the references Mitchell

et al (US Patent 5,710,727) and IEEE Spectrum. Mitchell teaches that virtual

instruments (i.e. computers) have replaced stand-alone hardware instruments (i.e.

oscilloscopes, pressure sensors, etc.) (column 1, line 30 – column 2, line 11). IEEE

Spectrum teaches that a virtual instrument has the look and feel of physical instrument

and that the software becomes the instrument (page 56, column 2). Therefore it would

have been obvious to one of ordinary skill in the art, at the time the invention was made,

to use Henson's system and method to configure a measurement system. One of

ordinary skill in the art would have been motivated to do so in order to obtain

performance efficiencies as taught by Mitchell. Henson also does not teach providing

an image of the configured system to the client system for display, wherein the image of

the configured system visually depicts the customizable component selections of the

user. However, Barad teaches displaying an image of the customized product to the

client system wherein the image of the customized product visually depicts the

customizable component selections of the user at their respective locations on the

image of the customized product (Figures 13-17, 21, and 22; column 1, line 28 – column

4, line 9). Therefore it would have been obvious to one of ordinary skill in the art, at the

time the invention was made, to incorporate the teachings of Barad into the method and

system of Henson. One of ordinary skill in the art would have been motivated to do so in order to provide the customer of Henson's system and method with a visual display of the custom configured product. Barad also teaches providing customizable component selection images corresponding to the customizable component selections of the user (Figures 7, 15, and 16), visually depicting a subset of the customizable component selection images at their respective locations on the image of the configured product (Figure 16), and displaying a subset of the customizable component selection images in the image of the configured product (Figure 16). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Barad into the method and system of Henson. One of ordinary skill in the art would have been motivated to do so in order to provide the customer with a more natural and easier-to-use design interface.

Referring to claims 93 and 115, Henson and Barad do not teach providing text corresponding to the customizable component selections of the user, or that the text is visually depicted proximate to respective locations of the customizable components comprised in the image of the configured product. However, Risk teaches these limitations (Figure 2, column 1, lines 22-29). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Risk into the method and system of Henson and Barad. One of ordinary skill in the art would have been motivated to do so in order to allow a user to personalize the product, as taught by Risk.

Referring to claims 94 and 116, Barad teaches that the image of the configured product appears substantially like the product (Figure 1, item "28a"). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Barad into the method and system of Henson. One of ordinary skill in the art would have been motivated to do so in order to provide a user with an image of the actual configured product.

Referring to claims 95 and 117, Barad teaches that the image of the configured product is viewable by the user (Figure 1, item "28a"). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate this feature into the method and system of Henson. One of ordinary skill in the art would have been motivated to do so in order to allow a user to see the configured product. Henson and Barad do not teach that the configured product is used by the user to evaluate and confirm the customizable component selections. However, IEEE Spectrum teaches that LabVIEW allows a user to create a virtual instrument that has functional icons which contain instrument variables, measurement commands, and output designations (page 56, column 2). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of IEEE Spectrum into the system and method of Henson and Barad. One of ordinary skill in the art would have been motivated to do so in order to allow a user to interact with the configured product.

Referring to claims 96 and 118, Barad teaches receiving one or more new customizable component selections for at least one of the one or more customizable

components of the configured product after said providing the image of the configured

product to the client system, wherein the new customizable component selections

applied to the configured product specify a new product, and providing an image of the

new configured product, wherein the image of the new configured product visually

depicts the new customizable component selections of the user (Figures 15 and 16).

Therefore it would have been obvious to one of ordinary skill in the art, at the time the

invention was made, to incorporate these features into the prior art. One of ordinary

skill in the art would have been motivated to do so in order to allow a user to see the

product as it was being configured.

Referring to claims 99 and 122, Henson and Barad do not teach that a cursor of

the client system overlaps the location of the image of the first customizable component

displayed in the image of the product. However Barad teaches that a user uses a

browser interface to interact with the system. Barad also teaches that the user must

"click" on various components to configure the components. Therefore it would have

been obvious to one of ordinary skill in the art, at the time the invention was made, to

allow a user to configure a component by using a cursor to overlap the location of the

image of a customizable component. One of ordinary skill in the art would have been

motivated to do so in order to provide a user with a more natural interface.

Referring to claims 104, 105, 107, 127, and 128, Barad teaches providing a

sequence of images corresponding to the customizable component options of the first

customizable component after said receiving user input selecting the image of the first

customizable component (Figure 14). Therefore it would have been obvious to one of

ordinary skill in the art, at the time the invention was made, to incoporate the teachings

of Barad into the method of Henson. One of ordinary skill in the art would have been

motivated to do so in order to allow a user to see and interact with the customizable

components.

Response to Arguments

Applicant's arguments filed July 3, 2003 have been fully considered but they are

not persuasive. The Applicant has argued that the IEEE Spectrum reference

(LabVIEW) is not relevant to the current application because it was developed prior to

the advancements of electronic commerce over the web. The Examiner strongly

disagrees. As noted by the Applicant, LabVIEW is directed to software for configuring a

virtual instrument. The fact that LabVIEW does not teach an e-commerce system or a

website is irrelevant since this is merely a difference in environment and not of structure

or process. The Examiner notes that throughout much of the mid to late nineties many

Windows® and DOS® based applications were ported to the World Wide Web in order to

take advantage of the platform-neutral environment. Therefore one of ordinary skill in

the art would have considered porting LabVIEW onto the World Wide Web. For this

reason, the IEEE Spectrum article (LabVIEW) is relevant to the Applicant's invention.

The Applicant has also argued that the Examiner's 103 rejection (Henson in view of

Motomiya et al) is improper because it relies on hindsight reconstruction. The Examiner

disagrees. Henson, Motomiya, and for that matter Barad all teach configuring a product

online. The references show the current state of the art, and one of ordinary skill in the

art would have had access to these patents at the time of the Applicant's earliest date of

invention. For this reason, the Examiner maintains the art rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Naeem Haq whose telephone number is (703)-305-

3930. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Wynn Coggins can be reached on (703)-308-1344. The fax phone number

for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703)-

308-1113.

Naeem Haq, Patent Examiner
Art Unit 3625

August 31, 2003

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